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U.S. Department of Homeland Security  
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Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services

FILE:

Office: Vermont Service Center Date:

APR 16 2004

IN RE:

Applicant:

PETITION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF PETITIONER:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*Cindy N. Gomez for*

Robert P. Wiemann, Director  
Administrative Appeals Office

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Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**DISCUSSION:** The Director, Vermont Service Center, initially approved the application. Subsequently, the director withdrew the applicant's eligibility for Temporary Protected Status (TPS). The decision is now before the Administrative Appeals Office on appeal. The appeal is dismissed.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director determined that the applicant failed to submit evidence to establish that he had successfully re-registered for temporary protected status during the allotted re-registration period for the 2001-2002 timeframe. The director, therefore, withdrew the applicant's temporary protected status.

On appeal, the applicant states that he does qualify for TPS. The applicant provides photocopies of his daughter's birth certificate and his 1997 Form W-2 Wage and Tax Statement.

The director may withdraw the status of an alien granted temporary protected status under section 244 of the Act at any time if it is determined that the alien failed without good cause to register with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of TPS. 8 C.F.R. § 244.14.

It is noted that the initial application was filed on April 8, 1999. This application was approved on May 19, 2000. Subsequent applications for re-registration were filed on: June 7, 2002 (Form I-765) denied as part of this withdrawal; and, September 7, 2000 (Forms I-765 and I-821), approved on November 18, 2000.

On October 8, 2002 and again on December 17, 2002, the director notified the applicant of the intent to withdraw his temporary protected status. In the December 17, 2002, Notice of Intent to Withdraw, the director indicated that the applicant had failed to re-register for TPS during the re-registration period for the 2001-2002 timeframe. The record indicates that the applicant filed a Form I-765, Application for Employment Authorization that was accepted by the director on June 7, 2002; however, this application for re-registration relates to the 2002-2003 timeframe.

Another notice of intent to withdraw was issued to the applicant, also dated December 17, 2002. This notice stated: "The record indicates that you did not remain continuously in the United States as outlined in (2) above. [not remaining continuously present in the United States from the date first granted TPS]. Therefore the approval of your Temporary Protected Status will be withdrawn unless you can submit additional evidence to show that you had prior approval granted by the Attorney General." Here, the director combined two different reasons for withdrawal in addition to the already stated previous reason. It is not clear why the director made these statements, as the record does not support this finding.

The applicant, on appeal, states that he qualifies for TPS. The applicant has not submitted any evidence on appeal to overcome the director's decision to withdraw TPS. The applicant has not provided any reason for his failure to re-register during the 2001-2002 period.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

**ORDER:** The appeal is dismissed.